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SUBJECT: KENYA - FEBRUARY 6 SITREP

REF: A. NAIROBI 379, B. NAIROBI 378, C. NAIROBI 370, D. NAIROBI 367

SENSITIVE-BUT-UNCLASSIFIED. NOT FOR RELEASE OUTSIDE USG CHANNELS.

1. (SBU) POLITICAL DEVELOPMENTS: As noted in ref C, the Kofi Annan-lead negotiations entered their most critical and difficult phase today as the parties began talks on power-sharing. The parties begin these discussions far apart and continued interference by hardliners from each camp threaten to keep them that way. We sent letters alerting some of these hardliners that their visa eligibility was subject to review in accordance with recent statements by A/S Frazer and the Ambassador (ref B).

Kibaki's level of personal involvement in these negotiations and surrounding events seems to be improving (whereas Odinga's has always been high). Kibaki met this morning, February 6, with the PNU negotiation team, including its newest member, Foreign Minister Wetangula. Kibaki then met with his entire cabinet, in preparation for the two day IGAD ministerial meeting on February 7-8. We will report whether a summit agenda and schedule are agreed to at this meeting. While unrelated to IGAD, there will be an actual summit in Nairobi this Friday, February 9, when the East African Community Presidents assemble to meet to discuss Kenya's crisis with Kibaki. Not surprisingly, Odinga and ODM leadership were extremely critical of these meetings as being distracting and provocative ("an effort to legitimize Kibaki's stolen presidency," is an accusation we heard from them more than once). Odinga, however, did call off a mass protest he earlier threatened, at Kofi Annan's request. Annan also called on Kibaki not to hold parallel peace seeking missions with other entities while the talks are ongoing.

In other news, a five person investigation team sent by the UN High Commissioner on Human Rights arrives in Nairobi tonight and will meet with us this week to exchange information and coordinate efforts. The UNHCHR mission will investigate post-election violence and human rights matters only, and not delve into election rigging allegations (ref D). One item on their agenda will be allegations of political assassination surrounding the back-to-back murders of newly elected ODM MPs Melitus Were and David Too. On February 5, Odinga publicly called for the GOK to act on our repeated offers of FBI assistance in investigating their deaths. The GOK has yet to respond to our offer.

We also expect a nationwide election date for all of Kenya's mayoral seats to be announced before the end of the week. Mayoral candidates are selected from among the local council winners in the December 27 national elections. The local council winners also form the mayoral race electorate, but only vote locally. In Nairobi, for instance, there are 51 votes at stake and ODM hopes to win by running just one candidate from among its 35 to prevail against whoever runs from among PNU's 26 seats. Finally, the GOK has announced the creation of 10 special courts to hear the cases of 38 contested MP seats, including those of cabinet ministers George Saitoti (Internal Security) and Moses Wetangula (Foreign Affairs) and ODM's Raila Odinga and Charity Ngilu.

12. (SBU) SECURITY SITUATION: No major reports of violence were received over the past few days for all parts of Kenya. While fewer reports of eviction threats and attacks by rival tribes have been received, these activities continue throughout Kenya, and in particular the Rift Valley and Nyanza Provinces. RSO continues to investigate a myriad of security-related rumors and has been further assessing the security forces' use of force, morale, transfers, capabilities, tribal clash casualties, and security implications relative to same (see ref A). To date, no reports of casualties or attacks on Mission facilities, U.S. personnel, or private American Citizens have been received.

Post is also monitoring the developments of the Kofi Annan-led negotiations between the Party of National Unity (PNU) and Orange Democratic Movement (ODM). This four phase process has already amicably concluded Phase I (Addressing Violence) and Phase II (Addressing Humanitarian Issues). Post is closely monitoring Phase III, Addressing Power Sharing, with particular vigilance for any inflammatory rhetoric by either side that could incite additional violence. Should Phase III be agreed upon by Wednesday, 13 February 2008, Phase IV, Addressing Underlying Societal Issues, will begin. Another barometer being monitored is the invitation by President Kibaki to members of the Intergovernmental Authority on Development (IGAD) to run parallel negotiations and the reaction of this proposal by ODM.

Reports of illegal roadblocks by gangs of youth and smaller confrontations with police upon assembly were also received. The police continue to appear to be in a better position to handle the current security situations and RSO continues to monitor their capability in each instance reported.

13. (SBU) U.S. MISSION POSTURE: There are no/no USDH personnel in the authorized departure areas of Western, Nyanza and Rift Valley provinces, which include the cities of Kisumu and Kericho. Core EAC met to review security situation there and determine need for presence of MRU and CDC emergency personnel. Kisumu has been calm and LES staff have been commuting to work regularly since Monday. RSO reports that police in Kisumu have not been reinforced, and their FSNI in Kisumu reported that tension there remains "palpable".

CDC and MRU discussed minimum emergency personnel staffing and timing requirements. Decision was taken to not authorize any USDH travel to Kisumu and Kericho until another assessment meeting is held on Monday 11 February. Similar criteria will apply to a proposal by OFDA for USDH to travel to Rift Valley to assess IDP situation. U.S. Peace Corps reports that their 58 (fifty-eight) volunteers remaining in country have all been successfully brought to Nairobi for a Close-of-Service workshop. The 58 PCVs will depart Kenya this Friday 8 February, and the program will be temporarily suspended. PC Staff will remain in Nairobi to oversee administrative activity required to suspend deployment of PCVs. In Nairobi, USG offices at the Gigiri Chancery compound and CDC/KEMRI compound are operating normally. Int'l School of Kenya (ISK) and Rosslyn Academy (RA) are open and buses are running without disruption. Power, water, and communications are fully operational.

In-country travel policy is in effect and all personnel and family members are accounted for.

14. (SBU) HUMANITARIAN SITUATION: As of February 5, the Kenya Red Cross Society increased the estimate of internally displaced persons (IDPs) in Kenya to more than 325,775 people. The revised figure includes approximately 24,000 newly-displaced persons since January 31, and reflects continued population movements resulting from violence in both previously and newly-affected areas of western Kenya in late January. However, the figure does not represent the significant but unconfirmed number of displaced persons currently sheltering with extended families and friends in host communities. While the Government of Kenya and international relief agencies in Nairobi are discussing the need to identify, track, and support the large displaced population staying with host families, several challenges exist, and no concrete mechanism is yet in place.

15. (SBU) U.S. CITIZENS: Consular wardens in the Rift Valley, Nyanza and Western provinces are reporting calm and that life is getting back to normal. The Kisumu warden reports that travel in, out and around the city is opening up and flowing and that a majority of the schools are open. The Nakuru warden also reports

quiet and normal conditions but wondered how the upcoming burial of the murdered MP from Kericho would affect the precarious calm. The Embassy hosted a Town Hall meeting for private Amcits on Feb 5. The three-hour meeting was very well attended (about 325 persons). The Ambassador spoke for about forty-five minutes and took forty-five minutes of questions. The ADCM, RSO and ACG talked briefly and then opened it up for questions. Most of the questions related to security and hypothetical scenarios about evacuation. All private Amcits were encouraged to stay in contact with the Embassy and to stay informed about ongoing events. The Embassy participants observed a noticeable reduction in the anxiety level of the private Amcits, most of whom attended the Embassy's Town Hall meeting two weeks ago. Post believes that the frequent Town Hall meetings are reducing stress levels among private Amcits because accurate information is being disseminated, Amcits can ask the questions that are relevant to them, and it allows a common venue for the widely dispersed Amcit community to come together and network about current events. Post is also consolidating its Travel Alerts into a revised Travel Warning. Consular Affairs is currently clearing the language and the revised Travel Warning should be issued shortly.

Rannenberger